

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TOMMY OWEN HARTZ,) CASE NO. C08-0362-TSZ
Petitioner,) (CR02-157-TSZ)
v.)
UNITED STATES OF AMERICA,) ORDER DISMISSING MOTION
Respondent.) UNDER 28 U.S.C. § 2255

The Court, having reviewed petitioner's § 2255 motion, the government's answer thereto, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's amended motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Dkt. No. 13) and this action are DISMISSED; and
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this 6th day of April, 2009.

Thomas S. Zilly
Thomas S. Zilly
United States District Judge

**ORDER DISMISSING MOTION
UNDER 28 U.S.C. § 2255
PAGE -1**